

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH KUEHL and JENNIFER KUEHL,

Plaintiffs

v.

PATRICK FALL, D.O., GRAYMARK  
HEALTHCARE, INC., FOUNDATION  
SURGERY AFFILIATE OF HUNTINGDON  
VALLEY, LP d/b/a HUNTINGDON  
VALLEY SURGICAL CENTER,  
FOUNDATION SURGERY AFFILIATE  
GENERAL OF HUNTINGDON VALLEY,  
LLC d/b/a HUNTINGDON VALLEY  
SURGICAL CENTER and FSA OF  
HUNTINGDON VALLEY, LLC d/b/a  
HUNTINGDON VALLEY SURGICAL  
CENTER,

Defendants

**\*Filed Electronically**

Case 2:16-cv-06622-BMS

JURY TRIAL DEMANDED

**FILED**  
FEB 24 2017  
KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

**ORDER OF DISMISSAL**

The above-captioned matter is hereby dismissed due to a lack of jurisdiction by this Court without prejudice to Plaintiffs re-filing same in the Court of Common Pleas of Montgomery County within thirty (30) days of the date of this Order. The provisions of the Stipulation of Counsel to Dismiss this Matter Without Prejudice to Re-File in the Court of Common Pleas of Montgomery County are incorporated herein. The Clerk shall provide a certified copy of said Stipulation of Counsel/Order of Dismissal, as well as a certified copy of the docket and all documents filed of record to date, to Plaintiffs' counsel.

It is so **ORDERED** and **APPROVED** by the Court this 24, day of Feb, 2017.

  
Hon. Berle M. Schiller, J.

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH KUEHL and JENNIFER KUEHL,

Plaintiffs

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PATRICK FALL, D.O., GRAYMARK  
HEALTHCARE, INC., FOUNDATION  
SURGERY AFFILIATE OF HUNTINGDON  
VALLEY, LP d/b/a HUNTINGDON  
VALLEY SURGICAL CENTER,  
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GENERAL OF HUNTINGDON VALLEY,  
LLC d/b/a HUNTINGDON VALLEY  
SURGICAL CENTER and FSA OF  
HUNTINGDON VALLEY, LLC d/b/a  
HUNTINGDON VALLEY SURGICAL  
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STIPULATION OF COUNSEL  
TO DISMISS THIS MATTER WITHOUT PREJUDICE TO RE-FILE  
IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY

AND NOW come Plaintiffs, Joseph Kuehl and Jennifer Kuehl, by and through their counsel, James W. Sutton, III, Esquire; Defendant, Patrick Fall, D.O., by and through his counsel, Amalia V. Romanowicz, Esquire; and Defendants, Graymark Healthcare, Inc., Foundation Surgery Affiliate of Huntingdon Valley, LP d/b/a Huntingdon Valley Surgical Center, Foundation Surgery Affiliate General of Huntingdon Valley, LLC d/b/a Huntingdon Valley Surgical Center and FSA of Huntingdon Valley, LLC d/b/a Huntingdon Valley Surgical Center, by and through their counsel, Michael C. Mongiello, Esquire; who stipulate and agree as follows:

1. Complete diversity of citizenship between Plaintiffs and Defendants does not exist;

2. This matter, therefore, shall be dismissed without prejudice to Plaintiffs re-filing same in the Court of Common Pleas of Montgomery County;

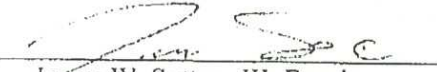
3. Plaintiffs re-filing of this matter in the Court of Common Pleas of Montgomery County shall be accomplished within thirty (30) days of entry of the Order of Dismissal approving this Stipulation by the United States District Court for the Eastern District of Pennsylvania;

4. Pursuant to 42 Pa.C.S. Sections 5103(a) and (b), Defendants acknowledge that once transferred to the Court of Common Pleas of Montgomery County, the filing date of the instant matter will be deemed to be December 23, 2016, the date on which this matter was originally filed by Plaintiffs in the United States District Court for the Eastern District of Pennsylvania;


5. Plaintiffs are solely responsible for any and all costs associated with the dismissal of this matter from the United States District Court for the Eastern District of Pennsylvania and/or the re-filing of same in the Court of Common Pleas of Montgomery County;

6. Defendants shall file responsive pleadings to Plaintiffs' Complaint within twenty (20) days from the date on which counsel for Defendants have received notification from Plaintiffs' counsel that this matter has been received by and docketed in the Court of Common Pleas of Montgomery County.


It is so stipulated and agreed:

  
James W. Sutton, III, Esquire  
Attorney for Plaintiffs

Date: 2/22/17

  
Amalia Romanowicz, Esquire  
Barri Alison Orlow, Esquire  
Attorney for Defendant  
Patrick Fall, D.O.

Date: 2/22/17

  
for Craig A. Stone  
Craig A. Stone, Esquire  
Attorney for Defendants  
Graymark Healthcare, Inc., Foundation  
Surgery Affiliate of Huntingdon Valley, LP  
d/b/a Huntingdon Valley Surgical Center,  
Foundation Surgery Affiliate General of  
Huntingdon Valley, LLC d/b/a Huntingdon  
Valley Surgical Center and FSA of Huntingdon  
Valley, LLC d/b/a Huntingdon Valley Surgical  
Center

Date: 2/22/17